

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

RW

DARRELL CROWDER,

Plaintiff,

vs.

CIVIL ACTION NO.: CV605-088

Warden GLENN RICH; Deputy Warden
R. D. COLLINS; Officer BYRD;
Officer JOHN DOE NO. 1, and
Officer JOHN DOE NO. 2,

Defendants.

ORDER


After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which Objections and a Motion to Extend Time for Discovery and Response to Motion for Summary Judgment have been filed. Plaintiff seeks to stay the proceedings until thirty (30) days after the United States District Court for the Northern District of Georgia enters its decision in the case of Graham v. Rich. Plaintiff filed the instant cause of action in this Court. Plaintiff's Motion is **DENIED**.

In his Objections, Plaintiff asserts that he was not required to exhaust administrative remedies because the grievance procedure was not practically available to him. As noted by the Magistrate Judge, Plaintiff's assertion in this regard overlooks the fact that he filed a grievance concerning an alleged use of excessive force incident and refused to drop it after Defendant Rich allegedly asked him to do so. The remaining portions of Plaintiff's Objections speak to the merits of his case. Plaintiff is procedurally barred from bringing

his claims at this time, and thus, the Court will not entertain the merits of Plaintiff's Complaint.

The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court. Plaintiff's claims against Defendants R. D. Collins and Glenn Rich are **DISMISSED**, without prejudice, due to Plaintiff's failure to exhaust his available administrative remedies prior to filing his Complaint. Plaintiff's claims against Officer Byrd, John Doe No. 1, and John Doe No. 2 remain pending at this time.

SO ORDERED, this 22 day of June, 2006.


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA